

paragraph of page 1 where the water associated problems of water penetration into the pavement from the surface and the transmission of water through the concrete matrix is discussed. Again on page 1 third paragraph the specification points out that the porosity of concrete enhances the permeability of water in liquid and vapor phases through flow, diffusion or absorption. This induces well documented water associated problems within the concrete such as the *Alkali-Silica Reaction*, freeze and thaw spalling, as well as chloride ion penetration. Such problems result in concrete deterioration. Page 2 line 3 continues discussion of several water associated problems in concrete. The bottom of page 2 references several articles relating to such problems with concrete. Page 3 of the specification continues the discussion of water associated problems with concrete. Page 4 begins a discussion of known prior art methods for treating water associated problems with concrete.

In regard to the new matter rejection, applicant believes that the restatement of claim 1 into terms directly paralleling Table 2 of the specification on page 15 should indicate that no new matter has been introduced into the claims and there is support for the limitations in the original disclosure.

Rejection Under §102/103 over Patel

Patel teaches silicate to be used in the range of .001 to 1.0 parts by weight per 100 parts by weight of sealer, column 3 lines 60-62. Patel's Summary of the Invention section teaches about 0 to about 0.5 parts by weight of alkali silicate, column 2, line 52. Applicant teaches a sodium silicate solid content that results from adding, as a weight percent of the total mixture, between 7.5% and 25% of a sodium silicate solution that has a 40% solid content. Applicant's sodium silicate solid content, thus, is well over the 1% or 1.0 parts by weight, of Patel.

Applicant traverses that Patel teaches the addition of an emulsifier to Patel's waterproofing sealer. The Examiner notes that Patel teaches adding polymers in the form of emulsions/dispersions. Applicant respectfully submits that adding a polymer in the form of an emulsion is not the same as, and is distinct from, adding an emulsifying agent, and such would be understood by one of ordinary skill in the art.

Further, Patel contains no teaching or suggestion that Patel's product, if sealed into a container, would inherently have a shelf life of at least six months if maintained above 10° C.

As illustrated by new claim 26, the product of Patel and applicant's product are further distinguished by a distinct difference in viscosity. Patel teaches a viscosity cps of 20 - 40, waterlike.

Reconsideration and further examination is respectfully requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Sue Z. Shaper, Applicants' Attorney at 713 550 5710 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

Sue Shaper
Sue Z. Shaper
Attorney/Agent for Applicant(s)
Reg. No. 31663

Sue Z. Shaper
1800 West Loop South, Suite 1450
Houston, Texas 77027
Tel. 713 550 5710